

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

May 6, 2005

LB 454

his strong interest in the bill, and I look forward to the discussion we're going to have about LB 454 and the committee amendments. Why does this bill make sense? Why should we support concealed carry laws in the state of Nebraska? And the first thing I want to turn to would be the statute that we currently have in place, in Section 28-1202. Just for the purposes of recapping what the current law is in Nebraska, the first section of this statute, in Chapter 28, essentially prohibits concealed weapons of any type, for the most part--revolver, pistol, knife, any kind of knife pretty much. Section 2, then, comes back and says that if you're engaged in a business, and the circumstances justify a prudent person would be carrying a concealed weapon to protect his or her person, property or family. I'm sorry, but that's subjective. It's a tad ambiguous, and it doesn't make sense. People in Nebraska want to know, black and white, what is right, what is wrong under the law. This gives a police officer, a prosecutor, or a judge...I should say it puts those folks in the position to make a subjective judgment as to whether or not somebody qualifies to carry a concealed weapon under the law. I'm surprised that Senator Chambers hasn't gone back and addressed that, because that puts a police officer in a position of making a subjective judgment. It would be easy for them to simply arrest a law-abiding citizen under the current law, handcuff them, put them in the back of the patrol car, take them down to the police station, book them, fingerprint them, place them in custody until they...at which point they may or may not make bail, and then go to trial on a Class I misdemeanor, arguably having to incur significant expense to hire an attorney. The entire time, they were not guilty of violating the law. But you put the citizen through that, so that we can say, well, we don't have concealed weapons in Nebraska, unless you really want to jump through 15 hoops, show up in front of the judge, and make your argument as to why you qualify to carry a weapon under Section 2. I'm sorry, that doesn't make sense to me and to the citizens of the state of Nebraska. Let's take a look at who can currently carry concealed weapons, notwithstanding the provisions of 28-1202: Law enforcement officers, when off duty, can carry a weapon, arguably to protect themselves in the event that somebody comes after them or their family, or for whatever reason. Some would say that an officer is never off duty, that